Criminal Misc. App.No. 871 of 2006

Hon'ble P.C. Pant, J.

Heard learned counsel for the petitioners and learned Assistant Government Advocate.

By means of this petition, the petitioners have challenged the proceedings of criminal case No. 4243 of 2006, State Vs. Smt. Asha relating to offence punishable under Section 306 I.P.C., pending before the court of Chief Judicial Magistrate, Haridwar.

The petitioners have questioned the probability of the prosecution story and raised issues relating to their innocence.

The disputed questions of facts can be better examined by the trial court during the trial.

Therefore, without expressing any opinion, as to the final merits of the case, this petition is dismissed in limine with observation that all pleas of the innocence raised before this court can be raised before the trial court. Apart from this, it is further observed that the petitioners if not on bail, and are arrested or surrender before the trial court, their bail application, if moved, shall be disposed of by the court concerned without unreasonable delay.

(P.C. Pant, J.)

Dt. 04.11.2006
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